REMARKS

As the Last Office Action was deemed non-responsive, the cancellation of claims 1-20 is assumed to have not been entered. As such, claims status is:

Claims 1-20: pending

Claims 21-46: Withdrawn

With this response, Applicant requests reconsideration of the Restriction Requirement in the Office Action of September 26, 2005. In particular, Applicant requests (i) withdrawal of the Restriction Requirement in its entirely, or (ii) alternatively, modification to the Restriction Requirement to allow Applicant to elect claim 21-34 and/or claims 45-48. Reasons for Applicant's arguments are set forth below.

Accordingly, Applicant hereby provisionally elects claims 21-34 and claims 45-48, pending outcome of the reconsideration request of this paper. If the provisional election is granted, Applicant further requests that the cancellation of claims 1-20 be entered.

In order to ensure this Response is considered responsive, Applicant is also presenting remarks as to the standing rejection of claim 1-20.

I.   Non-Elected Invention –

It is Applicant's position that claims 21-48 were directed to an invention that was distinct from the invention originally claimed. Applicant believes claims 21-48 were directed to the same subject matter as claims 1-20. In particular, Applicant believes that claims 21-34 and 45-48 in the current application have correspondence to the same subject matter and have similar limitations as the claims that were originally filed.

Comparison of Claim 21 to Original Claims

Preamble: As between claims 21 and claims 1, please note correspondence of the respective preambles. In claim 21, the preamble states "a method for managing a plurality of messages, wherein each of the plurality of messages comprises a plurality of properties, and each property corresponds to a defined portion of a character string that comprises the message..."
This corresponds to the preamble of claim 1 which states "A method for receiving e-mail, said e-

email including a header and a message body..."

To see the similarity between the two preambles, Applicant references the specification of the current application, which states that e-mail messages are self-contained strings of text that are delimited into several standardized fields, two of which include "header" information and a message "body". Given that e-mail messages are described as strings of text with header information and a message body, claim 1 as canceled, it should be apparent that the two preambles are not as dissimilar as indicated by the Office Action.

Claim 21 Body:

Claim 21 further recites identifying an instance of a property contained in the message and determining whether the identified instance of the property in that message is stored in a data structure. **Claim 1** recites separating information contained in a header into a plurality of header information fields and storing the header information field. Thus, while **Claim 21** recites "identifying" an "instance of a property", claim 1 recites "separating information contained in a header." While **Claim 21** recites "identified instance of the *property* in that message is *stored*," Claim 1 recites "*storing* the header *information field.*"

Claim 21 further recites:

- "determining whether the identified instance of the property in that message is stored in a data structure;[e.g. *Claim 8: comparing the sender e-mail address information to information stored in said plurality of header information fields*]

- "if the identified instance of the property is new so as to not exist in the first data structure, the method further comprises [e.g. *Claim 13*: *if there is no match between the e-mail sender address of the second e-mail message and e-mail sender address information stored in said header information field*]

- "storing the identified instance in the first data structure [e.g. *Claim 13: saving said second message e-mail sender address as a field*], and associating the identified instance with a message identifier for that message..." and

- "else if the identified instance already exists in the first data structure, the method further

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comprises associating the message identifier for that message with the identified instance that exists in the first data structure." [e.g. *Claim 8: if the e-mail address information is identical to e-mail address information stored in said plurality of header information fields, storing the message body in a message field in said plurality of fields*]

It is Applicant's position that the correspondence shown above between independent **Claim 21** and the claims of the first independent **Claim 1** requires the conclusion that new independent **Claim 21** is sufficiently similar to original **Claim 1** and dependents thereof to warrant withdrawal of the restriction requirement, at least as it applies to **Claims 21-34**.

<u>Claim 45</u>

With regard to independent **Claim 45**, it recites a system for managing a plurality of messages where one or more data structures store data representing unique instances of messages, correspondent records, and message correspondent information that links each unique instance of the individual messages to one or more correspondents of that message. Original **Claims 1, 5, and 7** recite similar limitations.

For example, **Claim 5**, recites a correspondent table that includes information for identifying the correspondent. Furthermore, **Claim 7**, recites a limitation where a relationship between the message body and the correspondent is identified.

Claim 45 also recites modules that are operable to analyze each of the plurality of messages in order to identify the unique instances of the individual messages and to generate the message correspondent information, after which the information is stored in a data structure. **Claim 1**, has a similar limitation as it recites "... linking at least one of said plurality of header information fields with at least a second of said plurality of header information fields or message body field; and creating a plurality of relationship fields for storing information sufficient to identify said link between said at least one header information field and said at least second header information field or message body field."

Applicant believes that the correspondence shown between Claim 45 and embodiments of original Claim 1-20 illustrate that the Claim 45 is sufficiently similar to the elected claims to merit removal of the Restriction Requirement, at least as it applies to Claims 45-48.

II.   **Terminal Disclaimer--**

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Applicant requests that the requirement of the Terminal Disclaimer be withheld until resolution of Applicant's request to withdraw the Restriction Requirement and subsequent forced election of claims. Since the Office permits Applicant to request reconsideration of the Restriction Requirement, fairness dictates that the Applicant be provided the opportunity to make the request before being required to enter the Terminal Disclaimer.

II.   Nakamura--

Applicant directs the Examiner to Claim 1, which recites "creating a plurality of relationship fields for storing information sufficient to identify said link between said at least one header information field and said at least second header information field or message body field." Nakamura recites use of a single relationship filed for the sole purpose of allowing an email to be stored in two segments to enable message transport even when message size exceeds a predetermined message length. (see Abstract) As the step is not taught, Nakamura cannot be said to teach the invention of Claim 1. For example, the portion of Nakamura recited to teach this limitation does not provide use of "relationship fields" or a "link".

With regard to Claims 17-20, Applicant is canceling them, if these claims are not already canceled.

For all these reasons, Applicant submits that the restriction requirement and subsequent election should be withdrawn, in particular as it applies to independent claims 21 and 45.

CONCLUSION

The proximity of the correspondence makes the examiners restriction unwarranted and reconsideration of the claims is respectfully requested. If there are any questions or comments that the Examiner wishes to direct to Applicant's attorney, the Examiner is invited to call Applicant's attorney at (408)-551-6632. The Patent Office is hereby authorized to change all unpaid fees to deposit account 501914.

Respectfully submitted,

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